

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

March 10, 2009

Marcus W. Trathen, Esq.
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Box 1800
Raleigh, North Carolina 27602

Re: University of North Carolina at Chapel Hill
FM Translator W216BE, Buxton, North Carolina
Facility Identification Number: 89947
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed March 9, 2009, on behalf of University of North Carolina at Chapel Hill ("UNCCH"). UNCCH requests special temporary authority ("STA") to operate Station W216BE with reduced power and antenna height.¹ In support of the request, UNCCH states that it has been experiencing technical problems with the translator due to the proximity of its antenna to that of Station WBUX, and that it is in the process of implementing Construction Permit BPFT-20070807ABN to correct the problem. In the interim, it proposes to operate the translator with reduced power and antenna height, which will allow for continued operation of the translator.

Section 73.1615, which governs operation during modification of facilities, provides that licensees holding construction permits for modification of directional or nondirectional FM and TV or nondirectional AM facilities may discontinue operation, may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the currently licensed coverage area. Such operation may commence upon notification to the FCC, and may continue for a period not exceeding 30 days. Should it be necessary to continue such operation beyond 30 days, a request for STA must be filed prior to the 30th day.

Our review indicates that the request complies with Section 73.1615.

Accordingly, the request for STA IS HEREBY GRANTED. Station W216BE may operate with reduced power and antenna height. UNCCH must use whatever means are necessary to protect

¹ W216BE is licensed for operation on Channel 216D (91.1 MHz) with effective radiated power of 0.25 kilowatt (H&V) and antenna height above average terrain of 65 meters. Construction Permit BPFT-20070807ABN authorizes relocation of the transmitter and a reduction in antenna height to 49 meters.

workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **September 10, 2009**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: University of North Carolina at Chapel Hill